IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 633/2002
(Om Prakash and Ors. Vs. State of Rajasthan & Anr.)

Date of Order : 08/08/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Anil Kaviraj for the petitioners.
Mr. Ashok Upadhyay, public prosecutor.

BY THE COURT:-

Heard learned counsel for the petitioners.

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioners have assailed the order dated 18.6.2002 passed by learned Sessions Judge, Banswara (for short 'the revisional court' hereinafter) in Criminal Revision No.01/2002, whereby the revision petition filed by the petitioners against the order dated 15.5.2001 passed by Chief Judicial Magistrate, Banswara (for short 'the trial court' hereinafter) taking cognizance of the offence under Section 7/16 of the Prevention of Food Adulteration Act, was dismissed.

The order taking cognizance is dated 15.5.2001. From the record it appears that there is no interim order staying

the proceedings or operation of the order. By now the trial court might have proceeded with the matter. Even otherwise, what has been sought to be argued by learned counsel for the petitioners is that the petitioners were only the partners and a General Power of Attorney was executed in favour of Mahesh Chandra Agarwal and therefore, only Mahesh Chandra Agarwal can be held liable. The revisional court noticed that no such material was placed before the trial court and therefore, at the time of taking cognizance of the offence, the trial court was required to consider the material placed before it and nothing more. Since there was no such material before the trial court and therefore, no fault can be found with the order passed by the trial court, so is the case with order passed by the revisional court. In the circumstances, therefore, no case for interference under the inherent jurisdiction of this Court is made out. It cannot be said that the order impugned would result in serious miscarriage of justice.

The petition has no force and is therefore, dismissed. Stay petition also stands dismissed. However, it will be open for the petitioners to file such document before the trial court at the appropriate stage.

(H.R.PANWAR),J.

rp